

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

THIRTIETH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 26, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Karl Kroger, followed by the Pledge of Allegiance led by House page Rosalyn Rasmussen.

Roll Call: All members present except. Rep. Carson who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-ninth day.

In the House Journal of the twenty-eighth day the following correction should be made:

On page 510, delete lines 9 and 10.

HB 1117 was inadvertently not signed on that day.

All additional errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 6 and 115 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 74 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 59 and returns the same with the recommendation that said bill be amended as follows:

59tb

On page 1, line 11, of the Senate Agriculture and Natural Resources Committee engrossed bill, after "such" insert "as".

On page 1, line 14, delete "is" and insert "are".

On page 2, line 2, after "is" insert "as".

On page 2, line 3, delete "radioactive" and insert "radioactivity".

And that as so amended said bill do pass.

Respectfully submitted,
Charles B. Hoffman, Chair

Also MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration SB 199 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Brock L. Greenfield, Chair

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 SB 106 and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on Transportation respectfully reports that it has had under consideration
6 SB 216 and returns the same with the recommendation that said bill be amended as follows:

7 216oa

8 On page 2, after line 3 of the Senate Transportation Committee engrossed bill, insert:

9 " Section 3. There is hereby appropriated from the general fund the sum of fifty thousand
10 dollars (\$50,000), or so much thereof as may be necessary, to the Department of Public Safety
11 to be used for the driver education program as set forth in section 1 of this Act.

12 Section 4. The secretary of public safety shall approve vouchers and the state auditor shall
13 draw warrants to pay expenditures authorized by this Act.

14 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by
15 June 30, 2014, shall revert in accordance with the procedures prescribed in chapter 4-8."

16 216ota

17 On page 1, line 1, of the Senate Transportation Committee engrossed bill, after "program"
18 insert "and make an appropriation therefor".

19 And that as so amended said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Transportation respectfully reports that it has had under consideration
22 SB 105 and 107 which were deferred to the 41st Legislative Day.

23 Respectfully submitted,
24 Mike Verchio, Chair

25 Also MR. SPEAKER:

26 The Committee on Local Government respectfully reports that it has had under
27 consideration SB 130 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration SB 180 and returns the same with the recommendation that said bill be amended
4 as follows:

5 180fe

6 On the Senate engrossed bill delete all Senate amendments thus restoring the bill to the
7 Senate Local Government Engrossed version.

8 And that as so amended said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Local Government respectfully reports that it has had under
11 consideration SB 155 and returns the same with the recommendation that said bill be referred
12 to the Committee on Appropriations.

13 Respectfully submitted,
14 Tim Rounds, Chair

15 **MESSAGES FROM THE SENATE**

16 MR. SPEAKER:

17 I have the honor to return herewith HB 1048 and 1058 which have been amended by the
18 Senate and your concurrence in the amendments is respectfully requested.

19 Also MR. SPEAKER:

20 I have the honor to return herewith HB 1019, 1020, 1028, 1038, 1057, 1079, 1081, 1082,
21 1101, 1118, 1141, 1158, and 1180 which have passed the Senate without change.

22 Respectfully,
23 Jeannette Schipper, Secretary

24 **CONSIDERATION OF REPORTS OF COMMITTEES**

25 Rep. Lust moved that the reports of the Standing Committees on

26 Commerce and Energy on SB 84 as found on page 512 of the House Journal; also

1 Judiciary on SB 44 as found on page 513 of the House Journal; also

2 Judiciary on SB 174 as found on page 513 of the House Journal be adopted.

3 Which motion prevailed.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 SB 71: FOR AN ACT ENTITLED, An Act to correct the name of a postsecondary
6 institution authorized to provide educational programs in South Dakota, and to revise the
7 requirements for an institution seeking such authorization.

8 Was read the second time.

9 The question being "Shall SB 71 pass as amended?"

10 And the roll being called:

11 Yeas 68, Nays 0, Excused 2, Absent 0

12 Yeas:

13 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
14 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
15 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
16 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Magstadt; May; Mickelson; Miller;
17 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
18 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
19 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
20 Wick; Wink; Wismer; Speaker Gosch

21 Excused:

22 Carson; Lust

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill passed and the title was agreed to.

25 SB 7: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
26 registration of a place of business with the Real Estate Commission.

27 Was read the second time.

28 The question being "Shall SB 7 pass?"

29 And the roll being called:

1 Yeas 68, Nays 0, Excused 2, Absent 0

2 Yeas:

3 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
4 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
5 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
6 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Magstadt; May; Mickelson; Miller;
7 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
8 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
9 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
10 Wick; Wink; Wismer; Speaker Gosch

11 Excused:

12 Carson; Lust

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 SB 65: FOR AN ACT ENTITLED, An Act to revise certain exemptions from licensure by
16 the Real Estate Commission.

17 Was read the second time.

18 The question being "Shall SB 65 pass?"

19 And the roll being called:

20 Yeas 68, Nays 0, Excused 2, Absent 0

21 Yeas:

22 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
23 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
24 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
25 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Magstadt; May; Mickelson; Miller;
26 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
27 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
28 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
29 Wick; Wink; Wismer; Speaker Gosch

30 Excused:

31 Carson; Lust

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

2 SB 189: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
3 environment fund, the water pollution control revolving fund subfund, and the drinking water
4 revolving fund subfund for various water and environmental purposes and to declare an
5 emergency.

6 Was read the second time.

7 The question being "Shall SB 189 pass?"

8 And the roll being called:

9 Yeas 66, Nays 3, Excused 1, Absent 0

10 Yeas:

11 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
12 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
13 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
14 Johns; Killer; Kirschman; Kopp; Lust; Magstadt; May; Mickelson; Miller; Munsterman;
15 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
16 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
17 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
18 Speaker Gosch

19 Nays:

20 Kaiser; Latterell; Nelson

21 Excused:

22 Carson

23 So the bill having received an affirmative vote of a two-thirds majority of the members-
24 elect, the Speaker declared the bill passed and the title was agreed to.

25 SB 190: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds
26 for elderly persons and persons with a disability, to revise the income eligibility requirements
27 for property and sales tax refunds, and to declare an emergency.

28 Was read the second time.

29 The question being "Shall SB 190 pass as amended?"

30 And the roll being called:

31 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 Excused:

11 Carson

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the Speaker declared the bill passed and the title was agreed to.

14 SB 4: FOR AN ACT ENTITLED, An Act to require the Department of Labor and
15 Regulation to determine certain job placement outcomes for graduates of all public
16 postsecondary education institutions in the state.

17 Was read the second time.

18 The question being "Shall SB 4 pass?"

19 And the roll being called:

20 Yeas 62, Nays 6, Excused 2, Absent 0

21 Yeas:

22 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
23 Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
24 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;
25 Kopp; Latterell; Lust; Magstadt; Miller; Munsterman; Novstrup (David); Olson (Betty); Otten
26 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;
27 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
28 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

29 Nays:

30 Bolin; Greenfield; Kaiser; May; Nelson; Russell

31 Excused:

32 Carson; Mickelson

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

SB 80: FOR AN ACT ENTITLED, An Act to reinstate certain provisions repealed in the Eighty-seventh Legislative Session regarding the accounting for federal impact aid.

Was read the second time.

The question being "Shall SB 80 pass as amended?"

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas:

Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Carson; Mickelson

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 5: FOR AN ACT ENTITLED, An Act to establish the public purpose and goals of postsecondary education, to provide for the funding of higher education, and to create the Council on Higher Education Policy Goals, Performance, and Accountability.

Was read the second time.

5fb

Rep. Munsterman moved that SB 5 be amended as follows:

On page 4, line 15, of the House State Affairs Committee engrossed bill, after "member" insert "from a school district where a postsecondary technical institute is located".

On page 4, line 17, after "superintendent" insert "from a school district where a postsecondary technical institute is located".

On page 5, between lines 3 and 4 of the House State Affairs Committee engrossed bill, insert:

1 "

2 In 2013, and periodically thereafter as determined by the council, the council shall conduct
3 an analysis of the funding of each institution of higher education under the control of the Board
4 of Regents. The analysis for each of the institutions may include an examination of the
5 appropriation per resident full-time equivalent, the teacher-to-student ratio, and comparisons
6 with peer institutions in South Dakota and in other states. It also may include an analysis and
7 development of weighted factors that may be used in funding the institutions in the future."

8 Which motion prevailed.

9 The question being "Shall SB 5 pass as amended?"

10 And the roll being called:

11 Yeas 60, Nays 9, Excused 1, Absent 0

12 Yeas:

13 Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
14 Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
15 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;
16 Kopp; Lust; Magstadt; Mickelson; Miller; Munsterman; Nelson; Olson (Betty); Otten (Herman);
17 Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rozum; Schaefer; Schoenfish;
18 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick;
19 Wink; Wismer; Speaker Gosch

20 Nays:

21 Bolin; Greenfield; Kaiser; Latterell; May; Novstrup (David); Rounds; Russell; Steele

22 Excused:

23 Carson

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 SB 39: FOR AN ACT ENTITLED, An Act to establish a penalty for a juvenile convicted
27 as an adult of a Class A or B felony and allow a sentence of up to life imprisonment after a
28 sentencing hearing.

29 Was read the second time.

1 39re

2 Rep. Johns moved that SB 39 be amended as follows:

3 On page 3, after line 12 of the House Judiciary Committee engrossed bill, insert:

4 " Section 3. That § 24-15A-32 be amended to read as follows:

5 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
6 life or death, or an indeterminate sentence which is not yet set to a term of years by the board
7 or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial
8 parole date set by the department. This date shall be calculated by applying the percentage
9 indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1. The
10 following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to
11 commit, any of the following crimes shall be considered a violent crime for purposes of setting
12 an initial parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in
13 the first degree or burglary in the second degree if committed before July 1, 2006, arson,
14 kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-19.1, child abuse, felony
15 sexual contact as defined in § 22-22-7.2, felony stalking as defined in §§ 22-19A-2 and
16 22-19A-3, photographing a child in an obscene act, felony assault as defined in § 22-18-26,
17 felony simple assault as defined in § 22-18-1, commission of a felony while armed as defined
18 in §§ 22-14-12 and 22-14-13.1, discharging a firearm at an occupied structure or motor vehicle
19 as defined in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21,
20 criminal pedophilia as defined in § 22-22-30.1, threatening to commit a sexual offense as
21 defined in § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-46-2, and
22 aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions				
	Felony Class	First	Second	Third
25	Nonviolent			
26	Class 6	.25	.30	.40
27	Class 5	.25	.35	.40
28	Class 4	.25	.35	.40
29	Class 3	.30	.40	.50
30	Class 2	.30	.40	.50
31	Class 1	.35	.40	.50
32	Class C	.35	.40	.50
33	Violent			
34	Class 6	.35	.45	.55
35	Class 5	.40	.50	.60
36	Class 4	.40	.50	.65

1	Class 3	.50	.60	.70
2	Class 2	.50	.65	.75
3	Class 1	.50	.65	.75
4	Class C	.50	.65	.75
5	Class B	1.0	1.0	1.0
6	Class A	1.0	1.0	1.0

7 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
8 are not eligible for parole. An initial parole date through the application of this grid may be
9 applied to a life sentence only after the sentence is commuted to a term of years. A Class A or
10 B felony commuted to a number of years shall be applied to the Class C violent column of the
11 grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the offense
12 and receives a sentence of less than life shall be applied to the Class C violent column of the
13 grid."

14 Which motion prevailed.

15 The question being "Shall SB 39 pass as amended?"

16 And the roll being called:

17 Yeas 66, Nays 2, Excused 2, Absent 0

18 Yeas:

19 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
20 Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
21 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
22 Killer; Kirschman; Kopp; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson;
23 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
24 Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;
25 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

26 Nays:

27 Greenfield; Latterell

28 Excused:

29 Carson; Rozum

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the bill passed and the title was agreed to.

1 SB 139: FOR AN ACT ENTITLED, An Act to regulate certain market activity in a health
2 exchange.

3 Was read the second time.

4 The question being "Shall SB 139 pass as amended?"

5 And the roll being called:

6 Yeas 67, Nays 1, Excused 2, Absent 0

7 Yeas:

8 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
9 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
10 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
11 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Miller;
12 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
13 Qualm; Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly;
14 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
15 Wismer; Speaker Gosch

16 Nays:

17 May

18 Excused:

19 Carson; Rozum

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 SB 168: FOR AN ACT ENTITLED, An Act to require that newborns be screened for
23 congenital heart defects.

24 Was read the second time.

25 The question being "Shall SB 168 pass?"

26 And the roll being called:

27 Yeas 64, Nays 5, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
4 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer;
5 Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Miller; Munsterman; Nelson; Novstrup
6 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;
8 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Greenfield; Kaiser; May; Rounds; Russell

11 Excused:

12 Carson

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 SB 205: FOR AN ACT ENTITLED, An Act to authorize the hunting of wolves in certain
16 circumstances.

17 Was read the second time.

18 The question being "Shall SB 205 pass as amended?"

19 And the roll being called:

20 Yeas 60, Nays 9, Excused 1, Absent 0

21 Yeas:

22 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
23 Erickson; Feickert; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawley;
24 Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kopp; Latterell; Lust;
25 Magstadt; May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty);
26 Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Russell;
27 Schaefer; Schoenfish; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner;
28 Westra; Wick; Wink; Wismer; Speaker Gosch

29 Nays:

30 Feinstein; Gibson; Hawks; Heinert; Killer; Kirschman; Rozum; Schrempp; Soli

31 Excused:

32 Carson

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

1 SB 1: FOR AN ACT ENTITLED, An Act to revise the provisions regarding plugging and
2 performance bonds for oil and gas wells and to repeal the supplemental restoration bond
3 requirement.

4 Was read the second time.

5 The question being "Shall SB 1 pass as amended?"

6 And the roll being called:

7 Yeas 69, Nays 0, Excused 1, Absent 0

8 Yeas:

9 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
10 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
11 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
12 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
13 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
14 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
15 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
16 Wick; Wink; Wismer; Speaker Gosch

17 Excused:

18 Carson

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 Rep. Lust moved that SB 83 be placed to follow SB 227 on today's calendar.

22 Which motion prevailed.

23 SB 89: FOR AN ACT ENTITLED, An Act to limit the liability of retail dealers in
24 petroleum products under certain conditions.

25 Was read the second time.

26 The question being "Shall SB 89 pass?"

27 And the roll being called:

28 Yeas 66, Nays 3, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
5 Kaiser; Killer; Kirschman; Kopp; Lust; Magstadt; May; Mickelson; Miller; Munsterman;
6 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
8 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer;
9 Speaker Gosch

10 Nays:

11 Hansen; Latterell; Verchio

12 Excused:

13 Carson

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 SB 43: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
17 crossing of a railroad and to revise the penalty for certain railroad crossing violations by the
18 driver of a commercial motor vehicle.

19 Was read the second time.

20 The question being "Shall SB 43 pass?"

21 And the roll being called:

22 Yeas 52, Nays 17, Excused 1, Absent 0

23 Yeas:

24 Bartling; Bolin; Cammack; Conzet; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert;
25 Feinstein; Gibson; Haggar (Don); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie);
26 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Lust; Magstadt;
27 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
28 Qualm; Ring; Romkema; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stevens;
29 Tulson; Tyler; Verchio; Werner; Westra; Wink; Wismer

30 Nays:

31 Campbell; Craig; Greenfield; Haggar (Jenna); Kaiser; Kopp; Latterell; May; Miller; Nelson;
32 Rasmussen; Rounds; Russell; Stalzer; Steele; Wick; Speaker Gosch

33 Excused:

34 Carson

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 120: FOR AN ACT ENTITLED, An Act to revise provisions related to consent to sexual activity.

Was read the second time.

120oa

Rep. May moved that SB 120 be amended as follows:

On page 1 of the printed bill, delete lines 8 to 11, inclusive.

Which motion prevailed.

The question being "Shall SB 120 pass as amended?"

And the roll being called:

Yeas 65, Nays 4, Excused 1, Absent 0

Yeas:

Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
 Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer;
 Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson;
 Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema;
 Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Steele; Stevens;
 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Nays:

Greenfield; Kaiser; Olson (Betty); Stalzer

Excused:

Carson

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

Rep. Lust moved that SB 119 be placed to follow SB 55 on today's calendar.

Which motion prevailed.

1 Rep. Lust moved that SB 147 be placed to follow SB 83 on today's calendar.

2 Which motion prevailed.

3 SB 117: FOR AN ACT ENTITLED, An Act to provide for an expedited endorsement of
4 certain licenses, certificates, registrations, and permits for spouses of active duty military
5 personnel.

6 Was read the second time.

7 The question being "Shall SB 117 pass?"

8 And the roll being called:

9 Yeas 69, Nays 0, Excused 1, Absent 0

10 Yeas:

11 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
12 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
13 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
14 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
15 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
16 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
17 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
18 Wick; Wink; Wismer; Speaker Gosch

19 Excused:

20 Carson

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 SB 146: FOR AN ACT ENTITLED, An Act to provide for the collection of certain gaming
24 taxes, penalties, and interest and to declare an emergency.

25 Was read the second time.

26 The question being "Shall SB 146 pass?"

27 And the roll being called:

28 Yeas 68, Nays 1, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
6 Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
8 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
9 Wismer; Speaker Gosch

10 Nays:

11 Nelson

12 Excused:

13 Carson

14 So the bill having received an affirmative vote of a two-thirds majority of the members-
15 elect, the Speaker declared the bill passed and the title was agreed to.

16 SB 204: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
17 deposit and expenditure of tobacco settlement revenues and bond proceeds.

18 Was read the second time.

19 The question being "Shall SB 204 pass?"

20 And the roll being called:

21 Yeas 67, Nays 2, Excused 1, Absent 0

22 Yeas:

23 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
24 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
25 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
26 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
27 Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
28 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli;
29 Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
30 Speaker Gosch

31 Nays:

32 Nelson; Russell

33 Excused:

34 Carson

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 SB 64: FOR AN ACT ENTITLED, An Act to revise provisions regarding broker price
4 opinions, comparative market analyses, and appraisals.

5 Was read the second time.

6 The question being "Shall SB 64 pass?"

7 And the roll being called:

8 Yeas 69, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
11 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
12 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
13 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
14 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
15 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
16 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
17 Wick; Wink; Wismer; Speaker Gosch

18 Excused:

19 Carson

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 SB 133: FOR AN ACT ENTITLED, An Act to establish a pharmacy audit integrity
23 program.

24 Was read the second time.

25 The question being "Shall SB 133 pass as amended?"

26 And the roll being called:

27 Yeas 64, Nays 5, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Feinstein; Gibson; Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
4 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;
5 Kopp; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson
6 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;
8 Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Greenfield; Haggar (Don); Kaiser; Latterell; Verchio

11 Excused:

12 Carson

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 Rep. Lust moved that the balance of the calendar including SB 198, 223, 227, 83, 147, 10,
16 11, 158, 17, 166, 31, 194, 34, 55, and 119 be deferred to Wednesday, February 27, the
17 31st legislative day.

18 Which motion prevailed.

19 There being no objection, the House reverted to Order of Business No. 5.

20 **REPORTS OF STANDING COMMITTEES**

21 MR. SPEAKER:

22 The Committee on Legislative Procedure respectfully reports that HB 1001, 1002, 1003,
23 1004, 1011, 1035, 1039, 1067, 1069, 1070, 1071, 1072, 1073, 1076, 1078, 1084, 1099, 1107,
24 and 1153 were delivered to his Excellency, the Governor, for his approval at 11:50 a.m.,
25 February 26, 2013.

26 Also MR. SPEAKER:

27 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
28 and Enrolling has carefully compared HB 1019, 1020, 1028, 1038, 1057, 1074, 1079, 1081,
29 1082, 1091, 1101, 1118, 1127, 1141, 1158, and 1180 and finds the same correctly enrolled.

30 Respectfully submitted,
31 Brian G. Gosch, Chair

SIGNING OF BILLS

2 The Speaker publicly read the title to

3 HB 1019: FOR AN ACT ENTITLED, An Act to authorize the involuntary treatment of
4 jailed prisoners with psychotropic medication.

5 HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
6 evaluation and treatment of persons with mental illness.

7 HB 1028: FOR AN ACT ENTITLED, An Act to repeal the requirement that a minor be
8 accompanied by an adult while hunting mourning doves.

9 HB 1038: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse
10 certain family physicians, dentists, and physician assistants who have complied with the
11 requirements of the recruitment assistance program.

12 HB 1057: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
13 to suppression of wildfires in the state and to declare an emergency.

14 HB 1074: FOR AN ACT ENTITLED, An Act to define the insurer's responsibilities
15 concerning health insurance policies in relation to the eligibility of minor dependents for
16 coverage.

17 HB 1079: FOR AN ACT ENTITLED, An Act to increase the fee for certain property tax
18 deeds.

19 HB 1081: FOR AN ACT ENTITLED, An Act to specify the duration of certain municipal
20 appointments.

21 HB 1082: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
22 designation of official newspapers for municipalities.

23 HB 1091: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the
24 labeling of motor fuel at a retail fuel pump and to declare an emergency.

25 HB 1101: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to public
26 employee grievance procedures.

27 HB 1117: FOR AN ACT ENTITLED, An Act to revise the definition of a temporary
28 special events lot for the purposes of vehicle dealer licensing.

29 HB 1118: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special
30 motor vehicle license plates for veterans with disabilities.

1 HB 1127: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
2 use of principal and interest in cemetery perpetual funds and to require perpetual cemeteries to
3 submit an annual financial report to the secretary of state.

4 HB 1141: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding certain
5 motor vehicle dealer license plates and permits.

6 HB 1158: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
7 posting of public notice for meetings of public bodies.

8 HB 1180: FOR AN ACT ENTITLED, An Act to allow veterans to receive credit for certain
9 military training and experience.

10 SB 121: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the
11 Commission on Intergovernmental Cooperation.

12 And signed the same in the presence of the House.

13 COMMEMORATIONS

14 HC 1023 Introduced by: Representatives Hajek, Bolin, Dryden, Duvall, Erickson, Hickey,
15 Hoffman, Hunhoff (Bernie), Johns, Mickelson, Nelson, Novstrup (David), Olson (Betty),
16 Peterson, Rasmussen, Rounds, Rozum, Sly, Solum, Stalzer, Steele, Stevens, Tulson, Tyler,
17 Westra, Wick, and Wink and Senators Heineman (Phyllis), Johnston, Lederman, Lucas,
18 Omdahl, Otten (Ernie), and Rampelberg

19 A LEGISLATIVE COMMEMORATION, Honoring Daniel Schmidtman as a recipient of the
20 2013 Prudential Spirit of Community Award.

21 WHEREAS, Daniel Schmidtman, a respected resident of Sioux Falls, South Dakota, and a
22 student at Washington High School, has received national recognition for exemplary volunteer
23 service by receiving a 2013 Prudential Spirit of Community Award along with a one thousand
24 dollar scholarship and a trip to Washington D.C.; and

25 WHEREAS, this prestigious award honors young volunteers across America who have
26 demonstrated an extraordinary commitment to serving their communities; and

27 WHEREAS, Mr. Schmidtman earned this award by giving generously of his time and energy
28 to found a hunger-focused student volunteer organization that includes more than one hundred
29 seventy-five members. This organization participates in volunteer projects such as hunger
30 walkathons, feeding the homeless, and stuffing backpacks for shipment to third-world countries.
31 Mr. Schmidtman has also contributed to his community by producing public safety radio
32 commercials and also as a volunteer church school teacher; and

1 WHEREAS, the strength and vitality of our communities, our state, and our society depend,
2 in great measure, upon the dedication of young people like Mr. Schmidtman who use their
3 considerable talents and resources to serve others:

4 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
5 State of South Dakota, that this legislative body hereby congratulates and honors Mr.
6 Schmidtman as a recipient of a Prudential Spirit of Community Award, recognizes his
7 outstanding record of volunteer service, peer leadership, and community spirit, and extends best
8 wishes for his continued success and happiness.

9 HC 1024 Introduced by: Representatives Romkema, Campbell, Carson, Craig, Dryden,
10 Erickson, Haggard (Don), Hajek, Hawks, Hickey, Hoffman, Johns, Kopp, Latterell, Novstrup
11 (David), Olson (Betty), Peterson, Rasmussen, Rounds, Schaefer, Schoenfish, Solum, Stalzer,
12 Steele, Stevens, Tulson, and Tyler and Senators Ewing, Monroe, Omdahl, and Otten (Ernie)

13 A LEGISLATIVE COMMEMORATION, Commending and congratulating Bridger Gordon,
14 age twelve, of Whitewood on achieving national recognition for exemplary volunteer
15 service by receiving a 2013 Prudential Spirit of Community Award.

16 WHEREAS, Bridger was first inspired to live every day as if it were Earth Day, when as an
17 eight-year-old, he noticed litter in public places. He started to pick up litter during family walks
18 and soon began to encourage his classmates to follow suit. Bridger then coordinated several
19 community clean-up events with his 4-H club; and

20 WHEREAS, over the past three years, Bridger has organized community rummage sales,
21 collected worn-out tennis shoes, initiated recycling programs at his school and the county fair,
22 and created a "green" Facebook page, all with the goal of inspiring others to reduce the amount
23 of waste being sent to landfills; and

24 WHEREAS, from more than twenty-eight thousand participants, Bridger was named a local
25 honoree. Bridger was then chosen as one of two state honorees for South Dakota and one of one
26 hundred two honorees in the nation. In May, Bridger will travel to Washington, D.C., for a
27 series of national recognition events. While in Washington, D.C., Bridger will tour the Capital's
28 landmarks, meet his fellow top youth volunteers from other parts of the world, attend a gala
29 awards ceremony at the Smithsonian's National Museum of Natural History, and visit his
30 Congressional representatives on Capitol Hill. Bridger will also be considered by the National
31 Selection Committee to be named one of ten National Honorees:

32 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
33 State of South Dakota, that Bridger Gordon be recognized for having achieved the distinction
34 of State Honoree in the 18th Annual Prudential Spirit of Community Awards.

35 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
36 3:42 p.m. the House adjourned.

37 Arlene Kvislen, Chief Clerk